

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 16-CV-00632-RB-WPL
No. 12-CR-01486-RB

JASON LEWIS GRESHAM,

Defendant.

ORDER

This matter is before the Court, *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant Jason Lewis Gresham’s Motion to Correct Sentence Under 28 U.S.C. § 2255. [CV Doc. 1; CR Doc. 42] Defendant pleaded guilty “pursuant to a Federal Rule of Criminal Procedure 11(c)(1)(B) plea agreement containing a downward departure bar, following completion of a Presentence Investigation Report . . . that determined [Defendant] had a final adjusted offense level of 84-105 months, in part on the basis of a determination that” Defendant’s prior New Mexico aggravated burglary conviction “qualified as a ‘crime of violence’ under U.S.S.G. § 4B1.2(a), which in turn resulted in a four sentencing offense level increase under U.S.S.G. § 2K2.1(a)(2).” [CV Doc. 1; CR Doc. 42] Defendant contends that in light of the United States Supreme Court’s recent ruling in *Johnson v. United States*, 135 S. Ct. 2551 (2015), his prior conviction for aggravated burglary no longer qualifies as a “crime of violence” under U.S.S.G. § 4B1.2(a) and, therefore, his sentence should be vacated. Defendant states that “[d]ue to time constraints,” he was unable to “fully brief the issues presented in this petition” and indicates that he will “ask for leave to supplement this petition at a later time.” [CV Doc. 1; CR Doc. 42]

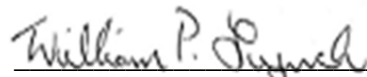
The Court will set a briefing schedule on Defendant's § 2255 motion and direct the United States to file an answer.

IT IS HEREBY ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant's Motion To Correct Sentence Under 28 U.S.C. § 2255 [CV Doc. 1; CR Doc. 42] and a copy of this Order;

IT IS FURTHER ORDERED that, within thirty (30) days of the entry of this Order, Defendant shall file a brief addressing why he is entitled to relief on his Motion To Correct Sentence Under 28 U.S.C. § 2255;

IT IS FURTHER ORDERED that, within thirty (30) days of the filing of Defendant's brief, the United States shall file an answer to Defendant's § 2255 motion.

IT IS SO ORDERED.

A handwritten signature in dark ink, appearing to read "William P. Lynch", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE